

III. IDENTIFICATION AND EVALUATION

1. CHILD FIND

It is the policy of the State of Missouri that all children with disabilities, residing in the state, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to highly mobile children with disabilities (such as migrant and homeless children) and children who are suspected of being a child with a disability and in need of special education even though they are advancing from grade to grade.

The Department of Elementary and Secondary Education is the agency responsible for coordinating the planning and implementation of the child find activities for children birth to twenty-one (21).

The following state agencies participate in the planning and implementation of child find activities.

Department of Mental Health assists in identification and location of infants, toddlers, and children with suspected disabilities through its Regional Centers for the Developmentally Disabled, State Habilitation Centers, and State Hospitals. Referrals are made to local school districts and the Part C system.

Department of Health assists in identification and location of infants, toddlers, and children with suspected disabilities through its Title V and Head Injury Programs. Referrals are made to local school districts and to the Part C system.

Department of Social Services

- A. The Division of Family Services assists in the identification of infants, toddlers and children with suspected disabilities. Referrals are made to local school districts and to the Part C system.
- B. Rehabilitation Services for the Blind identifies, locates, and refers infants, toddlers, and children who have visual problems. Referrals are made to either local school districts or to the Part C system.
- C. The Division of Youth Services identifies students with disabilities and who are placed within the care and custody of the Missouri Division of Youth Services. Special education services are provided for these students within the Division's facilities.

Department of Corrections provides for the identification of and special education services to inmates with disabilities under age twenty-one (21) years, who are placed within its jurisdiction.

Missouri Department of Elementary and Secondary Education requires local school districts to annually assist in Child Find by conducting the following activities prior to November 1 each year:

- A. Publishing one (1) public notice in local newspapers that describes the school district's responsibility to provide special education and related services to children ages three (3) to twenty-one (21). The notice must also describe the LEA's responsibility to refer infants and toddlers suspected of having a disability to the state Part C early intervention system.

- B. Airing one (1) public notice on local radio and/or television stations, during general viewing/listening hours, which describes the school district's responsibility to provide special education and related services to children ages three (3) to twenty-one (21).
- C. Placing posters/notices in all administrative offices of each building operated by the school district that describes the district's responsibility to provide special education and related services to children ages three (3) to twenty-one (21).
- D. Providing written information through general distribution to the parents/guardians of students enrolled in the school district which describes the school district's responsibility to provide special education and related services to children ages three (3) to twenty-one (21).

[Each local school district shall conduct an annual census of all children ages birth to twenty-one (21) with disabilities or who are suspected of having a disability who reside in the district. The census shall include:

- A. the name of the child;
- B. the parent or guardian's name and address;
- C. the birth date and age of the child;
- D. the disabling condition(s) of the child; and,
- E. the services provided to the child with disabilities.

Each local school district must aggregate all census data as of December 1 of each year and report the data to the Missouri Department of Elementary and Secondary Education by December 15. This data must include the number of children ages birth to twenty-one (21) with disabilities, within each disability category, that have been identified, located, and evaluated. The data must also provide the number of children with disabilities ages birth to twenty-one (21) who are receiving special education services as specified on an IEP or on an Individualized Family Service Plan on December 1 of each year by their age, disability category and placement.]

The Department of Elementary and Secondary Education will monitor the implementation of the Child Find requirements. Such reviews will include:

- A. approval of each local district's Compliance Plan documentation; and,
- B. a review of data from the annual census reported by each district.

All data collected and used to meet Child Find requirements is subject to confidentiality requirements of 34 CFR 300.560 - 300.577.

LISTED BELOW IS THE STATUTE OF THE STATE OF MISSOURI WHICH PROVIDES THE LEGAL BASIS AND SOURCE FOR MISSOURI'S POLICY FOR CHILD FIND:

(Section 162.695(1), RSMo)

2. DEFINITIONS AND CRITERIA FOR DETERMINATION OF ELIGIBILITY

The Individuals with Disabilities Education Act (IDEA) defines students with disabilities as those children, ages 3 to 21, who have been properly evaluated as having Mental Retardation, Hearing Impairments and Deafness, Speech or Language Impairments, Visual Impairments, including Blindness, Emotional Disturbance, Orthopedic Impairments, Autism, Traumatic Brain Injury, Other Health Impaired, a Specific Learning Disability, Deaf Blindness, or Multiple Disabilities and, who because of that disability, require special education and related services. As allowed under 34 CFR 300.7 implementing IDEA, the

State of Missouri also defines a child with a disability to include children ages 3 through 5 who have been properly identified as a young child with a developmental delay.

No child may be determined to be eligible if the determinant factor for that eligibility determination is lack of instruction in reading, math, or limited English proficiency.

Several conditions may be diagnosed by other professionals such as physicians, psychologists, etc. that are not specified by IDEA. These may include such conditions as diabetes, sickle cell anemia, leukemia, etc. Students who present significant learning problems by virtue of the condition may demonstrate eligibility for special education under one or more of the disabilities identified above.

Children with disabilities who are not eligible for special education and related services under IDEA may be entitled to services and protections under Section 504 of the Rehabilitation Act of 1973. School districts may not use IDEA funds or Exceptional Pupil Aid to serve students found eligible under Section 504 but not eligible under IDEA. For further information regarding school districts' responsibilities under Section 504, the reader is referenced to the document entitled "Student Access" published by the Department of Elementary and Secondary Education, the regulations for Section 504 of the Rehabilitation Act of 1973, and/or to the United States Department of Education, Office for Civil Rights.

Alternative Method for Eligibility Determination

Public agencies may submit a request to the DESE for approval of an alternative eligibility determination methodology that does not identify students as eligible based upon the discrete categories used in IDEA. The alternative methodology must meet the intent of IDEA for children with disabilities and cannot be more restrictive or expansive than the criteria established by the DESE as follows in this section.

Requests must be in writing and focus on how the eligibility process will incorporate the child's educational strengths and needs as well as their involvement and progress in the general education curriculum. The alternative method cannot be implemented by public agencies unless the DESE has granted the request. There is no appeal process for requests that are denied.

Disability Categories, Definitions, and Criteria in alphabetical order:

- A. Autism
- B. Deaf/Blindness
- C. Emotional Disturbance
- D. Hearing Impairment and Deafness
- E. Mental Retardation
- F. Multiple Disabilities
- G. Orthopedic Impairment
- H. Other Health Impairments
- I. Specific Learning Disabilities
- J. Speech or Language Impairment
- K. Traumatic Brain Injury
- L. Visual Impairment/Blind
- M. Young Child with a Developmental Delay

Autism Definition

“Autism” means a developmental disability significantly affecting verbal or nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

The term does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disability as defined in this document.

A child who manifests the characteristics of autism after age three could be diagnosed as having autism if the criteria above are satisfied.

Criteria for Initial Determination of Eligibility

A child displays autism when:

- A. Through evaluation that includes a review of medical records, observation of the child’s behavior across multiple environments, and an in-depth social history, the following behaviors are documented:
 - 1) Disturbances of speech, language-cognitive, and nonverbal communication: The child displays abnormalities that extend beyond speech to many aspects of the communication process. Communicative language may be absent or, if present, language may lack communicative intent. Characteristics may involve both deviance and delay. There is a deficit in the capacity to use language for social communication, both receptively and expressively.
 - 2) Disturbance of the capacity to relate appropriately to people, events, or objects: The child displays abnormalities in relating to people, objects, and events. There is a deficit in the capacity to form relationships with people. The capacity to use objects in an age appropriate or functional manner may be absent, arrested, or delayed. The child may seek consistency in environmental events to the point of exhibiting rigidity in routines.
- B. The condition adversely affects the child’s educational performance.
- C. The autism is not a result of an emotional disability as defined in this document.

Other Behaviors Which the Child May Exhibit Include:

- A. Disturbance of developmental rates and sequences: The child may also exhibit delays, arrests, or regressions in physical, social, or learning skills. Areas of precocious skill development may also be present, while other skills may develop at normal or extremely depressed rates. The order of skill acquisition frequently does not follow normal developmental patterns.
- B. Disturbances of responses to sensory stimuli: The child’s behavior may also range from being hyperactive to being unresponsive to people and objects in their environment and can alternate between these two (2) states over periods ranging from hours to months. Disturbances may be apparent in auditory, visual, olfactory, gustatory, tactile, and kinesthetic responses. The child may respond to stimulation inappropriately and in repetitive or nonmeaningful ways.

Deaf/Blindness Definition

“Deaf/Blindness” means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Criteria for Initial Determination of Eligibility

A child is deaf/blind when:

- A. both visual and hearing impairments are present;
- B. the impairments together cause severe communication, developmental, and educational needs.

Emotional Disturbance Definition

“Emotional Disturbance” means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

- A. an inability to learn that cannot be explained by intellectual, sensory or health factors;
- B. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- C. inappropriate types of behavior or feelings under normal circumstances;
- D. a general pervasive mood of unhappiness or depression; and,
- E. a tendency to develop physical symptoms or fears associated with personal or social problems.

The term includes schizophrenia, but does not apply to children who are socially maladjusted unless it is determined they have an emotional disturbance.

Criteria for Initial Determination of Eligibility

A child displays an emotional disturbance when:

- A. through evaluation procedures that must include observation of behavior in different environments, and an in-depth social history the child displays one of the following characteristics:
 - 1) an inability to learn that cannot be explained by intellectual, sensory or health factors;
 - 2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - 3) inappropriate types of behavior or feelings under normal circumstances;
 - 4) a general pervasive mood of unhappiness or depression; and,
 - 5) a tendency to develop physical symptoms or fears associated with personal or social problems.
- B. the characteristic(s) must have existed to a marked degree and over an extended period of time. In most cases, an extended period of time would be a range from two (2) through nine (9) months depending upon the age of the child and the type of behavior occurring. For example, a shorter duration of disturbance that interrupts the learning process in a younger student might constitute an extended period of time. Difficulties may have occurred prior to the referral for evaluation;
- C. the emotional disturbance adversely affects the child’s educational performance.

NOTE: Manifestations of an emotional disturbance can be observed along a continuum ranging from normal behavior to severely disordered behavior. Children who experience and demonstrate problems of everyday living and/or those who develop transient symptoms due to a specific crisis or stressful experience are not considered to have an emotional disturbance.

Hearing Impairment and Deafness Definition

"Hearing Impairment" means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but is not included in the following definition for deafness.

"Deafness" means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

Criteria for Initial Determination of Eligibility

A child displays a Hearing Impairment when:

- A. a hearing impairment has been diagnosed by an audiologist;
- B. the hearing impairment adversely affects the child's educational performance.

Mental Retardation Definition

"Mental Retardation" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period that adversely affects a child's educational performance.

Criteria for Initial Determination of Eligibility

A child displays mental retardation when:

- A. the child performs 2.0 Standard Deviations below their peers of equivalent age, ethnic, and cultural background when measured by a standardized instrument of cognitive ability;
- B. the child displays adaptive behavior consistent with measured cognitive ability. Adaptive behavior refers to the effectiveness with which a student meets the standards of personal independence and social responsibility expected of his/her age and cultural group. There should be a significant positive correlation between the student's intellectual ability and adaptive behavior. If not, the team must give careful consideration to other evaluative information and utilize professional judgment to determine the student's level of cognitive and adaptive functioning;
- C. the disability adversely affects the child's educational performance.

Professional Judgment

A child may also be deemed eligible if the child displays, through formal and informal assessment, a significant discrepancy even though the deviations do not fall below the criterion range. In such cases, sufficient data must be present in the evaluation report to document the existence of a significant discrepancy.

Multiple Disabilities Definition

“Multiple Disabilities” means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blindness.

Criteria for Initial Determination of Eligibility

A child displays multiple disabilities when:

- A. concomitant impairments occur;
- B. the impairments together cause severe educational needs.

Orthopedic Impairment Definition

“Orthopedic Impairment” means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by congenital anomaly (e.g., club foot, absence of some member, etc.) impairments caused by disease (poliomyelitis, bone tuberculosis, etc) and impairments from other causes (e.g., cerebral palsy, amputations and fractures or burns that cause contractures).

Criteria for Initial Determination of Eligibility

A child displays a physical impairment when:

- A. an orthopedic impairment has been diagnosed by a licensed physician;
- B. the physical impairment adversely affects the child’s educational performance.

Other Health Impairment Definition

“Other Health Impairment” means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems, such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, and adversely affects a child’s educational performance.

Criteria for Initial Determination of Eligibility

A child displays a Health Impairment when:

- A. a health impairment has been diagnosed by a licensed physician, licensed psychologist, licensed professional counselor, or licensed clinical social worker;
- B. the health impairment adversely affects the child's educational performance.

Specific Learning Disability Definition

"Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or environmental, cultural, or economic disadvantage.

Criteria for Initial Determination of Eligibility

A child has a specific learning disability when:

- A. the child does not achieve commensurate with his or her age and ability levels in one or more areas listed in B below if provided with learning experiences appropriate for the child's age and ability level;
- B. the child displays observable characteristics that indicate deficits in basic psychological processing[. **The team finds a child has a severe discrepancy between achievement and intellectual ability**] in one or more of the following [areas. **A severe discrepancy is defined as 1.5 standard deviation between cognitive and**] academic areas.

Basic reading skill
Reading comprehension
Written expression
Mathematics calculation

Mathematics reasoning
Listening comprehension
Oral expression

In determining whether a child has a specific learning disability, a responsible public agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures or may require a severe discrepancy between achievement and intellectual ability (of 1.5 standard deviation).

[Determining dysfunction in the central nervous system or a psychological processing deficit is difficult, if not impossible, to ascertain by current psychological and/or medical tests. Therefore, psychological processing deficits are presumed and inferred through observation of behavior. Such behaviors include difficulty in academic and learning tasks, a discrepancy between potential and achievement, an uneven growth pattern, and the exclusion of other causes;]

- C. the child's **learning disability** is[**severe discrepancy and processing deficits are**] not PRIMARILY the result of:
 - 1) a visual, hearing, or motor disability;

- 2) mental retardation;
- 3) emotional disturbance; or,
- 4) environmental, cultural or economic disadvantage.

Professional Judgment

If a responsible public agency uses a severe discrepancy method: A child who does not display a discrepancy of at least 1.5 standard deviations as defined in B above, may nonetheless be deemed to have a specific learning disability if 1) the child meets the other criteria of this rule; and 2) based upon professional judgment and review of formal and informal assessments, the evaluation team concludes that a severe discrepancy exists. In such cases, sufficient data must be presented in the evaluation report to document the existence of a specific learning disability.

If the agency does not use a severe discrepancy method, professional judgment can only be used if the child does not respond to scientific, research-based intervention.

Speech or Language Impairment Definition

“Speech or Language Impairment” means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a child’s educational performance.

Criteria for Initial Determination of Eligibility - Language

A language disorder is present when:

- A. the child consistently exhibits inappropriate use in any of the structures of language (e.g., morphology, syntax, semantics, and pragmatics) as measured by language sampling or other clinical tasks;
- B. the child’s language functioning is significantly below the child’s abilities as measured by two (2) or more standardized language assessments. Significantly below is defined as two (2) standard deviations below the mean for children 3 to 5 years of age but not eligible for kindergarten; one standard deviation below cognitive ability for children who are kindergarten age eligible through age 8 and 1.5 standard deviation below cognitive ability for children who are age 9 and older;
- C. the language disorder adversely affects the child’s educational performance;
- D. the language disorder is not a result of dialectal differences or second language influence;

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Professional Judgment

A child may also be deemed eligible if the evaluation documents through formal and informal assessment that a language deficit is present even though the standard scores do not meet the criteria in B above. In such cases, sufficient data must be presented in the evaluation report to document the existence of the language deficit.

Criteria for Determination of Initial Eligibility - Sound System Disorder

A Sound System Disorder, which includes articulation and/or phonology, is present when:

- A. the student exhibits a delay of correct sound production based on accepted normative data. The child's sound system is evaluated based on a single word test and/or a sentence/phrase repetition task and a connected speech sample;
- | B. consideration must be given to the type of error recorded (substitutions, omissions, distortions and/or additions). These errors may be described as single sound errors or errors in phonological patterns;
- | C. a Sound System Disorder may also be present if multiple errors in the child's speech compromise intelligibility and/or listener perception even though the recorded errors are considered within normal developmental guidelines;
- | D. the Sound System Disorder adversely affects the child's educational performance;

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- E. the sound system disorder is not a result of dialectal differences or second language influence.

The evaluation report must include sufficient data to document the existence of the Sound System Disorder and if, during the collection and analysis of the data, the child's language abilities appear to be impaired, a language evaluation will need to be completed prior to a designation of language disorder.

Criteria for Initial Determination of Eligibility - Fluency

A fluency disorder is present when:

- A. the child consistently exhibits one or more of the following symptomatic behaviors of dysfluency:
 - 1) sound, syllabic, or word repetition;
 - 2) prolongations of sounds, syllables, or words;
 - 3) blockages; or,
 - 4) hesitations;
- B. the child's fluency is significantly below the norm as measured by speech sampling in a variety of contexts. A significant discrepancy is defined as five (5) or more dysfluencies per minute or a 10 percent dysfluency rate and distracting to the listener;
- C. the fluency disorder adversely affects the child's educational performance

Professional Judgment

A child may also be deemed eligible if the evaluation documents through formal and informal assessment that a fluency deficit is present even though the criterion in B above is not met. In such cases, sufficient data must be presented in the evaluation report to document the existence of the fluency deficit.

Criteria for Initial Determination of Eligibility - Voice

A voice disorder is present when:

- A. the child consistently exhibits deviations in one or more of the parameters of voice: pitch, quality, or volume;
- B. the child's voice is discrepant from the norm as related to his/her age, sex, and culture and is distracting to the listener;
- C. the voice disorder is not the result of a temporary problem such as: normal voice changes, allergies, colds, or other such conditions;
- D. the voice disorder adversely affects the child's educational performance.

Traumatic Brain Injury (TBI) Definition

"Traumatic Brain Injury" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, such as, cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychological

behavior, physical functions, information processing and speech. The term does not include brain injuries that are congenital or degenerative or to brain injuries induced by birth trauma.

Initial Eligibility Criteria for Traumatic Brain Injury

A child has a Traumatic Brain Injury when:

- A. a traumatic brain injury/head injury has been diagnosed by a licensed physician or through a neuropsychological assessment;
- B. the student's educational performance is adversely affected by deficits in acquisition, retention, and/or generalization of skills. Students with a brain injury may have rapidly changing profiles, therefore, educational assessment should include current documentation of the student's functional capabilities and indicate deficits in one or more of the following areas:

- 1) building or maintaining social competence;
- 2) performance of functional daily living skills across settings;
- 3) the ability to acquire and retain new skills, and,
- 4) the ability to retrieve prior information.

Professional Judgment

A child may also be deemed eligible if the child displays characteristics of TBI even though a medical diagnosis of head injury has not been made by a physician. In such cases, substantial data to document the medical basis for a head injury must be present in the evaluation report.

Visual Impairment/Blindness Definition

Visual Impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Criteria for Initial Determination of Eligibility

A child displays a Visual Impairment when:

- A. a visual impairment or a progressive vision loss has been diagnosed by an optometrist or ophthalmologist;
- B. visual acuity has been determined to be:
 - 1) for visual impairment, of 20/70 to 20/200 in the better eye with best correction by glasses;
 - 2) for blindness, of 20/200 or less in the better eye after best correction by glasses or a visual field measuring 20° or less.
- C. the visual impairment adversely affects the child's educational performance.

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Young Child with a Developmental Delay Definition

“Young Child with a Developmental Delay” means a child ages 3 through 5 who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, and who need special education and related services.

Criteria for Initial Eligibility for Young Children with a Developmental Delay

A child has a developmental delay when:

For children ages 3 through 5 (not kindergarten age eligible)

- A. The child’s development is at or below 1.5 standard deviations, or equivalent levels, of the mean in any TWO areas of development OR at or below 2.0 standard deviations, or equivalent levels, in any ONE area of development. Areas of development that can be used to determine eligibility include physical, cognitive, communication, social/emotional or adaptive.
- B. The child needs special education and related services.

Professional Judgment

A child may also be deemed eligible when:

- A. the evaluation report documents through formal and informal assessment that a significant deficit exists and a child is eligible for services even though the standard scores, or equivalent levels, do not meet the stated criterion levels in A above, or,
- B. the team may determine that a child who is functioning above the stated criterion level and because of intensive early intervention, is eligible for services based on expected regression if services were to be terminated.

For children ages 5 (kindergarten eligible)

- A. Children kindergarten age eligible may continue eligibility as a Young Child with a Developmental Delay if they were identified as such prior to attaining kindergarten age eligibility.

3. PROCEDURES FOR EVALUATION AND DETERMINATION OF ELIGIBILITY

The Missouri Department of Elementary and Secondary Education ensures that each public agency establishes and implements procedures for evaluation and determination of eligibility that meet the requirements of this section.

Initial Evaluation (34 CFR 300.531)

Each public agency shall conduct a full and individual initial evaluation, in accordance with 34 CFR 300.532 and 34 CFR 300.533, before the initial provision of special education and related services to a child with a disability. This may or may not include additional testing as determined by the evaluation team members.

Evaluation Procedures (34 CFR 300.532)

Each public agency shall ensure, at a minimum, that the following requirements are met:

A. Tests and other evaluation materials used to assess a child under Part B of the Act are selected and administered so as not to be discriminatory on a racial or cultural basis, are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so, and materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

B. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining whether the child is a child with a disability and the content of the child's IEP.

C. Any standardized tests that are given to a child have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test or the method of test administration) must be included in the evaluation report.

D. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

E. Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

F. No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

G. The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

H. In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

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- I. The public agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- J. The public agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

Determination of Needed Evaluation Data (34 CFR 300.533)

As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of IDEA, a group that includes the individuals described in 34 CFR 300.344 (the IEP team), and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and observations by teachers and related services providers. On the basis of that review, and input from the child's parents, the group shall identify what additional data, if any, are needed to determine:

- A. whether the child has a particular category of disability, or in case of a reevaluation of a child, whether the child continues to have such a disability;
- B. the present levels of performance and educational needs of the child;
- C. whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and,
- D. whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

The group making these decisions may conduct its review without a meeting. The public agency shall administer tests and other evaluation methods as may be needed to produce the data identified above.

If the determination of the group is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents of that determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services under the Individuals with Disabilities Education Act, the child continues to be a child with a disability. If the parent requests assessment, even though the determination has been made that no additional data are needed, the public agency must grant the request if the issue is continued eligibility under Part B of IDEA.

Determination of Eligibility (34 CFR 300.534) Report to Parents

Upon completing the administration of tests and other evaluation materials, a group of qualified professionals, which includes the parent of the child, must determine

whether the child is a child with a disability. The public agency must provide a copy of the evaluation report which documents the determination of eligibility to the parent.

A child may not be determined to be eligible for special education if the determinant factor for that eligibility determination is lack of instruction in reading or math or Limited English Proficiency, or if the child does not otherwise meet the eligibility criteria.

A public agency must evaluate a child with a disability before determining that the child is no longer a child with a disability. As part of that evaluation process, the group must determine whether additional data is needed and, if so, shall identify what additional data is needed. Assessment to obtain that data must then be conducted. An evaluation is not required before the termination of a student's eligibility under Part B of the Individuals with Disabilities Education Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law (age 21).

Procedures for Determining Eligibility and Placement (34 CFR 500.535)

In interpreting evaluation data for the purpose of determining if a child is a child with a disability, and the educational needs of the child, each public agency shall draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, and ensure that information obtained from all of these sources is documented and carefully considered.

If a determination is made that a child has a disability and needs special education and related services, an Individualized Education Program (IEP) must be developed for the child.

Determination of Eligibility for Young Children Ages 3 through 5

- A. School districts shall, through approved district policy, determine eligibility for children ages 3 through 5 (not kindergarten age eligible) using one of the following methods:
 - 1) Identify all children using any of the disability categories except that of Young Child with a Developmental Delay (YCDD); or,
 - 2) Identify all children as eligible using only the category of Young Child with a Developmental Delay (YCDD); or,
 - 3) Identify all children as eligible using any of the disability categories including that of Young Child with a Developmental Delay (YCDD).
- B. For a child with a disability who becomes Kindergarten age eligible (age 5 by August 1), districts shall, through approved district policy, choose one of the following methods to determine continuing eligibility for special education:
 - 1) If the district selected methods A. 2) or A. 3) above, they may either

- a) continue a child as eligible under the Young Child with a Developmental Delay (YCDD) or apply any of the other disability categories; or,
 - b) apply any disability category other than Young Child with a Developmental Delay (YCDD).
- 2) If the district selected method A.1) above, all children will continue to be identified as eligible using any disability category other than YCDD.
- C. Children who are kindergarten age eligible (age 5 by August 1) and have not been identified as eligible for special education in prior years must meet criteria of any disability category other than Young Child with a Developmental Delay.
- D. Children who are first grade age eligible (age 6 by August 1) must meet criteria of any disability category other than Young Child with a Developmental Delay.

Determination of Eligibility for Children with Learning Disabilities

The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals that must include:

- A. the child's regular teacher, or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; for a child of less than school age, an individual qualified by the DESE to teach a child of his or her age;
- B. at least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher;
- C. at least one team member other than the child's regular teacher shall observe the child's academic performance in the regular setting; and,
- D. in the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

Evaluation Timelines

The public agency shall provide the parent with a Notice of Intent to Evaluate as soon as possible, but within thirty (30) calendar days of the date of referral for evaluation. Delays beyond this time may be permitted for just cause (school breaks for summer or holidays, student illness, etc.) and documented in the student's record.

The evaluation shall be completed, and a decision regarding eligibility rendered within **sixty (60)**~~forty-five (45)~~ calendar days following parent consent or notice, as the case may be. Delays beyond this time may be permitted for just cause and documented in the student's record.

Reevaluation timelines are specified in the following section on reevaluation.

Parent Request for Evaluation

Parents may request an evaluation for their child. If the public agency receives such a request, the district shall:

- A. accept the request and proceed with the evaluation process in accordance with the timelines and requirements set forth in this section; or,
- B. refuse the request and provide the parent with Notice of Action Refused and a copy of procedural safeguards available to the parent to contest such a decision.

Evaluation Report

Each public agency shall develop a written Evaluation Report for all initial evaluations and any reevaluations which required additional testing.

The evaluation report must include:

- A. a statement of whether the child has a specific disability as defined in Regulation III.2. of this document;
- B. a synthesis of information from the evaluation considering all areas of functioning;
- C. the basis for making the determination of eligibility for a disability;
- D. a statement that the disability is not a result of lack of instruction in reading or math, or Limited English proficiency;
- E. a list of the individuals who were in attendance at the eligibility determination meeting and their role.

The Evaluation Report for students identified as Specific Learning Disabled must include items A through D above and the following:

- F. relevant behavior noted during the observation of the child and the relationship of that behavior to academic functioning;
- G. educationally relevant medical findings, if any;
- H. **if eligibility determined using the discrepancy model**, whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services;
- I. **if eligibility determined through a process that determines if the child responds to scientific, research-based intervention, a description of the interventions used, the length of time attempted, and the child's response;**
- J. the determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and,
- K. each team member shall certify in writing whether the report reflects his/her conclusion; if it does not reflect his/her conclusion, the team member must submit a separate statement presenting his/her conclusions.

Reevaluation (34 CFR 300.536)

Each public agency shall ensure that the Individualized Education Program (IEP) of each child with a disability is reviewed annually and in accordance with Regulation IV.2. of this document, that a reevaluation of each child, in accordance with 34 CFR 300.532-300.535, is conducted if **the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child**[conditions] warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but **not more frequently than once a year, unless the parent and the local educational agency agree otherwise; and** at least once every three years **unless the parent and the local educational agency agree that a reevaluation is unnecessary.** [For the required triennial evaluation,]If the parent and local educational agency agree that a triennial evaluation is needed, under no circumstances can the reevaluation exceed three years. For parent or district requested reevaluations, evaluation timelines specified previously in this section must be followed.

LISTED BELOW ARE THE STATUTES OF THE STATE OF MISSOURI WHICH PROVIDE THE LEGAL BASIS AND SOURCE FOR MISSOURI'S POLICY RELATING TO PROCEDURES FOR EVALUATION AND DETERMINATION OF ELIGIBILITY:

(Section 162.700(2), RSMo)

(Section 162.945, RSMo)

(Section 162.950(2), RSMo)